

**MOTION
EXHIBIT 17**

**FILED UNDER
SEAL**

Message

From: Charles E Cross [cross@usfca.edu]
Sent: 3/23/2022 10:18:52 PM
To: Donna J Davis [davisdj@usfca.edu]
Subject: Fwd: Privileged and Confidential-Complaint filed

----- Forwarded message -----

From: Charles E Cross <cross@usfca.edu>
Date: Wed, Mar 23, 2022 at 9:17 AM
Subject: Re: Privileged and Confidential-Complaint filed
To: Joan McDermott <jmcdermott2@usfca.edu>

Thank you for the update.

On Tue, Mar 22, 2022 at 11:19 PM Joan McDermott <jmcdermott2@usfca.edu> wrote:
Charlie,

Here are my initial thoughts:

The behavior of both baseball coaches is disgusting. Since I don't know the details of the internal investigation, I am not sure what is and isn't true. Were these allegations in the lawsuit the same as what was found in the internal investigation.

I do not recall receiving either email from the [REDACTED] or the [REDACTED] on May 30th. If I had seen the emails I would have responded and reported the complaint to you right away.

I just went back to my emails on May 30th both in my in box and trash and I cannot find an email.

I will reach out to ITS in the morning and see if they can assist me in looking through my emails.

Status of Student-Athletes:

[REDACTED] is still in school and finishing his classes online and planning on transferring. He lives at home in [REDACTED]

[REDACTED] transferred at the semester to [REDACTED] I have had no further communication since 12/14.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

I spoke to [REDACTED] and the [REDACTED] on 12/14. I referred both families to Title IX and my understanding was that HR would follow up with both families.

On January 6th, I received a text from [REDACTED] stating that she had not heard for anyone at the university. I immediately reached out Diane Nelson and connected the two of them.

There were two other text communications with [REDACTED] that I can add further details to later.

Joan

Sent from my iPad

On Mar 22, 2022, at 7:53 PM, Charles E Cross <cross@usfca.edu> wrote:

Sounds good, thank you.

On Tue, Mar 22, 2022 at 6:34 PM Joan McDermott <jmcdermott2@usfca.edu> wrote:

I will read through the the complaint and send you my thoughts. I will also confirm who has spoken to these individual students.

Sent from my iPad

On Mar 22, 2022, at 5:36 PM, Charles E Cross <cross@usfca.edu> wrote:

Joan,

I am sending you a copy of the complaint that I have read and that has been filed and now served. Please provide me with your initial thoughts and reactions and specifically, please provide the current status of these students and any communications between any member of the department and the students and/or their parents. The three students are [REDACTED] and [REDACTED] identified in the suit as John Doe 1-3.

Thanks

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Charles E. Cross
Vice President, Business & Finance
University of San Francisco
(415) 422-6522

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